

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
MEETING ROOM #113
THURSDAY, FEBRUARY 18, 1999
8:15 A.M.**

Commissioners Present: Larry Hudkins, Vice Chair
Linda Steinman
Bernie Heier
Bob Workman

Commissioners Absent: Kathy Campbell, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Diane Staab, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF MID-YEAR BUDGET RETREAT MINUTES OF FEBRUARY 4, 1999 (MORNING AND AFTERNOON SESSIONS) AND COUNTY BOARD STAFF MEETING MINUTES OF FEBRUARY 9, 1999

MOTION: Steinman moved and Workman seconded approval of the Mid-Year Budget Retreat minutes of February 4, 1999 (Morning and Afternoon Sessions). On call Workman, Steinman, Hudkins and Heier voted aye. Motion carried.

MOTION: Steinman moved and Workman seconded approval of the County Board Staff Meeting minutes of February 9, 1999. On call Workman, Steinman, and Hudkins voted aye. Heier abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Mobile Home Situation on N 14th Street
- b. Mobile Home Situation on 1st Street and McKelvie Road

MOTION: Workman moved and Steinman seconded approval of the additions to the agenda. On call Workman, Steinman, Hudkins and Heier voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, presented a brief legislative update (Exhibit A) noting the following:

- * The distribution formula for LB 142, which changes the allocation of motor vehicle tax, has been revised to allocate 60% to schools, 22% to counties and 18% to cities
- * Inheritance tax bills are scheduled for hearing by the Revenue Committee on March 10th
- * The Appropriations Committee has set a spending limit of 3% of the total budget early in the legislative session
- * Senator Beutler has requested Lancaster County to take an active position on LB 414, which provides for transition of the office of Clerk of the District Court to a State reimbursed position

Kissel indicated that he will continue to monitor LB 179, which changes homestead exemption provisions, noting there is increasing pressure on the Revenue Committee to advance homestead exemption legislation.

Hudkins noted that representatives of western Nebraska counties indicated at the Nebraska Association of County Officials (NACO) Board Legislative Meeting that they will support a graduated adjustment formula that recognizes differences in values for rural and urban areas. A homestead exemption recertification process is also supported.

Kissel indicated that he will be meeting with Mike Kelley, Douglas County Lobbyist, and Senators Thompson and Pedersen to discuss how to formulate a compromise with regards to LB 512, which changes placement and transportation cost provisions for juveniles, and LB 610, which changes provisions relating to costs of care and treatment of juveniles. He noted the Judiciary Committee is willing to advance legislation addressing juvenile costs, if a senator is willing to prioritize that legislation. Kissel also reported that Senator Bourne has signed onto LB 512 and is working on the court docket fee issue.

MOTION: Steinman moved and Heier seconded to authorize that a letter be sent to the Nebraska Legislature's Judiciary Committee indicating the County Board's support of LB 414. On call Workman, Steinman, Hudkins and Heier voted aye. Motion carried.

Additional legislative concerns noted were:

- * LB 73, which changes provisions relating to certain grand juries
- * LB 141, which changes provisions relating to levy limits, fund distributions and taxation of motor vehicles
- * LB 160, which limits governmental liability for damages relating to electronic computing devices
- * LB 392, which authorizes local governments to levy payments in lieu of taxes for certain tax exempt real property
- * LB 401, which changes provisions relating to county zoning regulations
- * LB 628, which requires provision of copies of public records at actual cost

4 HOURLY RATE FOR PART-TIME PSYCHIATRISTS, VAN FOR NEW RESIDENTIAL PROGRAM - George Hanigan, Community Mental Health Center Director; John Cripe, Classification and Pay Manager

Hourly Rate for Part-Time Psychiatrists

George Hanigan, Community Mental Health Center Director, requested an increase in the hourly rate of pay for part-time psychiatrists, noting that the current rate of \$75 per hour has been in effect since 1988.

John Cripe, Classification and Pay Manager, recommended that the hourly rate of pay be increased to \$85, the average hourly rate paid to psychiatrists employed by the State of Nebraska.

The Board directed staff to prepare the necessary documents to effect the hourly rate of pay change.

NOTE: The Board will take formal action on this matter at the Tuesday, February 23rd County Board of Commissioners meeting.

Van for New Residential Program

Hanigan requested authorization to purchase a \$20,000 Dodge Caravan vehicle to transport clients in the Heather Residential Program to medical and psychiatric appointments. He stated the purchase will be through the Nebraska Association of County Officials (NACO) Lease Program.

MOTION: Heier moved and Workman seconded to authorize the Community Mental Health Center to proceed with the van purchase through the Nebraska Association of County Officials (NACO) Lease Program. On call Workman, Steinman, Heier and Hudkins voted aye. Motion carried.

5 COUNTY SPECIAL PERMIT NO. 162 AND PRELIMINARY PLAT NO 98025; MEADOW VIEW COMMUNITY UNIT PLAN AT SW 84TH & WEST VAN DORN - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, reported on County Special Permit No. 162 and Preliminary Plat No. 98025, Meadow View Community Unit Plan, a request to create 61 residential acreage lots and three outlots on property at SW 84th & West Van Dorn (Exhibit B). He indicated that opposition to the proposal from neighbors is primarily due to the number of lots. DeKalb reported that the applicant has tried to address concerns by agreeing to locate the lots out of the floodplain; a conservation easement to preserve the floodplain, wetlands and trees; a dam and pond to handle drainage; a common sewage retention lagoon and placement of a dry fire hydrant.

Heier noted concern that approval will set a precedent for other development and indicated the need for a land use plan for Lancaster County. He requested that a definitive schedule for County Board meetings on rural land use issues be established.

Board consensus to schedule a County Board Staff meeting on Tuesday, February 23rd from 9-11 a.m. to discuss rural land use issues.

DeKalb also reported briefly on County Change of Zone No. 183, a request to change the zoning designation on a 2.14 acre parcel of land south of Agnew (NW 70th Street and Agnew Road) from Agriculture (AG) to Business District (B) for location of a heating and air conditioning business (Exhibit C). Lincoln-Lancaster County Health Department policy dictates a minimum lot size of 3.5 acres to ensure that septic or lagoon systems function, although the applicant could be permitted to straddle the lot line for a septic or lagoon system.

DeKalb noted concern that the proposed location may hinder future residential growth along NW 70th Street and recommended the applicant seek to locate the business on property zoned Industrial District (I) or Business District (B) instead (Exhibit C Map). He indicated that an additional option would be to seek a change of zone to extend the Industrial District (I) to the south, southwest or north.

Hudkins disagreed with DeKalb's recommendations, stating the Industrial District (I) zoned property indicated on the map is unusable due to contamination and extension of the zoning is not feasible for accessibility reasons.

6 COURT APPOINTED SPECIAL ADVOCATES (CASA) - Paige Beard, Nebraska CASA Association Executive Director; Kit Boesch, Human Services Director

Paige Beard, Nebraska CASA Association Executive Director, explained that Court Appointed Special Advocates (CASA) are trained community volunteers appointed by a judge to advocate, on a one-to-one basis, for a child removed from home due to abuse or neglect (Exhibit D). She noted that the CASA volunteers perform legwork previously assigned to attorney guardian ad litem, such as visiting the child in their placement and contacting parties in contact with the child, such as parents and family, schools, day care and social workers. The CASA volunteer then makes recommendations to the Juvenile Court and all parties in the proceedings with regards to the child's best interest.

Beard stated that the Nebraska CASA Association would like to establish a program in Lancaster County, noting that Juvenile Court Judge Tom Dawson is supportive of such a program. She suggested that Lancaster County seek a two year National CASA Association grant, through the Child Abuse and Prevention Fund, in the amount of \$80,0000, to fund the program.

Beard indicated the County will profit by having casework performed by unpaid CASA volunteers, rather than paid attorney guardian ad litem. As a result, the attorney guardian ad litem may be able to expand their caseload.

Workman inquired about volunteer recruitment, training and liability.

Beard reported that a minimum of 25 hours of training is required of volunteers, many of whom will be recruited through the University of Nebraska and area colleges. She noted that federal legislation provides immunity for volunteers working within the guidelines of the program, although liability insurance is recommended.

Diane Staab, Deputy County Attorney, inquired whether the CASA volunteers will be duplicating work performed by the attorney guardian ad litem.

Kit Boesch, Human Services Director, reported that Gary Lacy, County Attorney, has also expressed that concern. She stated, however, that having a CASA program in place will better serve those children coming in contact with the Juvenile Court.

Heier inquired whether the Assessment Center would have access to CASA records, as part of a youth's history.

Beard stated access to CASA records would be at the discretion of the Juvenile Court Judge.

MOTION: Steinman moved and Heier seconded to authorize Kit Boesch, Human Services Director, to write an application for a National CASA Association grant to fund a Court Appointed Special Advocates (CASA) program in Lancaster County, indicating that the County Board will provide financial support for the program at expiration of the grant, based upon the success of the two year pilot program and the review and support of the County Attorney. On call Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

7 FISCAL YEAR 2000 BUDGET LETTER & CALENDAR; MID-YEAR BUDGET RECOMMENDATIONS - Dave Kroeker, Budget & Fiscal Officer

Mid-Year Budget Recommendations

Dave Kroeker, Budget & Fiscal Officer, briefly reviewed *FY99 Funding Recommendations After Mid-Year Budget Review of 2-4-98* (Exhibit E). He recommended that the Board additionally fund requests totaling \$40,000 for the following:

- * 10 laser printers (County Sheriff)
- * Fingerprint/mug shot Y2K compliance (County Sheriff)
- * Computers (County Board of Commissioners)
- * Address fixes for non-Y2K compliant microcomputers - as requests are received

The Board requested that Mike Thurber, Corrections Director, appear at the February 25th County Board Staff meeting to provide further explanation of his request for two additional staff positions.

MOTION: Steinman moved and Workman seconded approval of the funding recommendations for the Public Defender, Register of Deeds, Human Services and County Sheriff. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

Fiscal Year 2000 Budget Letter

Kroeker reviewed a draft of a letter from the County Board to County agencies regarding Fiscal Year 2000 budget requests, noting the letter requests that staffing levels for Fiscal Year 2000 be maintained at or below that of Fiscal Year 1999 (Commissioners' Information Packet).

MOTION: Heier moved and Steinman seconded to approve sending the budget letter to all County agencies. On call Steinman, Heier, Workman and Hudkins voted aye. Motion carried.

Budget Calendar for Fiscal Year 2000

Kroeker also reviewed *Lancaster County Budget Calendar for Fiscal Year 2000* and *Department Budget Hearing Schedule*, noting that an Attention Center Team meeting is also scheduled for the morning of June 1st (Commissioners' Information Packet).

Board consensus to hold department budget hearings the morning of June 1st and move the Attention Center Team meeting to the afternoon of Thursday, June 3rd.

MOTION: Steinman moved and Workman seconded to accept the Budget Calendar and Budget Hearing Schedule, as outlined by Dave Kroeker, Budget & Fiscal Officer. On call Workman, Steinman, Hudkins and Heier voted aye. Motion carried.

Eagan briefly reviewed a draft of a letter opposing LB 392, which authorizes local governments to levy payments in lieu of taxes for certain tax exempt real property (Commissioners' Information Packet). He explained the proposed legislation would require County Boards to make fundamental tax policy decisions at the County Level, thereby creating tax inequities throughout Nebraska.

The Board requested Eagan to revise the letter, expressing those concerns, and addressing the letter to Senator Wickersham, Chair of the Revenue Committee.

MOTION: Steinman moved and Heier seconded to send a letter to the Chair of the Revenue Committee, expressing the County Board's concerns with regards to LB 392, with carbon copies to Revenue Committee members, Lancaster County Senators and Senator Landis, introducer of the bill. On call Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

8 PLANNING GRANT APPLICATION FOR DRUG COURT - Gary Lacey, Lancaster County Attorney; Terry Wagner, County Sheriff; Kit Boesch, Human Services Director

Gary Lacey, Lancaster County Attorney, reported that he had been asked by the U.S. Attorney's Office to seek authorization to apply for up to two 18 month Department of Justice planning grants, in the amount of 30,000, to enable members of the Lancaster County criminal justice system to explore the possibility of establishing adult and juvenile drug and alcohol courts in Lancaster County. He indicated that a professor in the Criminal Justice Department at the University of Nebraska - Omaha is willing to write the grant application on behalf of Lancaster County. If the County decides to proceed with a drug and alcohol court program, additional funding through a three year continuation grant may be sought.

Lacey distributed copies of *Defining Drug Courts: The Key Components*, a report by the National Association of Drug Court Professionals, Drug Court Standards Committee (Exhibit F), noting that key components of the program include extensive drug testing, intensive counseling and reporting to a judge. Participation is voluntary, similar to the existing pre-trial diversion program.

Lacey reported on a meeting held with representatives of the Lincoln Police Department, County Sheriff, Nebraska State Patrol, U.S. Attorney, District Court, Adult Probation, Criminal Justice Department at the University of Nebraska - Omaha, Centerpointe and Region V, noting there was strong support for the drug court concept. He reported that District Court Judge Flowers has agreed to participate on the adult side, and participation of one of the Juvenile Court Judges is anticipated.

Kit Boesch, Human Services Director, noted that treatment services for juveniles are lacking and referrals from a juvenile drug and alcohol court will increase that need.

Lacey stated criteria for participation in the program will need to be established.

Steinman noted that a drug and alcohol court program may relieve overcrowding and the need for expansion of jail facilities.

In response to a question from Workman, Lacey suggested that a retired judge could be hired to preside over the drug and alcohol court.

MOTION: Steinman moved and Heier seconded to authorize Gary Lacey, Lancaster County Attorney, and Kit Boesch, Human Services Director, to proceed with an application for a planning grant from the Department of Justice and to authorize the County Board Chair to sign the necessary documents. On call Workman, Steinman, Heier and Hudkins voted aye. Motion carried.

9 EXECUTIVE SESSION (PURCHASE OF REAL ESTATE) - Don Killeen,
County Property Manager

MOTION: Steinman moved and Heier seconded to enter Executive Session at 11:22 a.m. to discuss the purchase of real estate. On call Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

MOTION: Heier moved and Workman seconded to exit Executive Session at 11:38 a.m. On call Heier, Workman and Hudkins voted aye. Steinman was absent from voting. Motion carried.

Steinman returned to the meeting.

10 ACTION ITEMS

- a. Nebraska Association of County Officials (NACO) Southeast District Spring Meeting Registration (Thursday, March 11, 1999 at 8 a.m., Villager Motor Inn, Lincoln, Nebraska)

The Board indicated that Hudkins, Workman and Campbell plan to attend.

- b. Microcomputer Request C#99033 from County Attorney for Compaq Deskpro, \$924.20 from the Microcomputer Fund

Workman noted concern regarding the amount charged by Information Services for installation.

MOTION: Steinman moved and Heier seconded approval. On call Workman, Steinman, Hudkins and Heier voted aye. Motion carried.

- c. Request from Mort Stelling, Ecological Committee Member for Funding from County in the Amount of \$308 to Attend American Planning Association Conference in Seattle, Washington

MOTION: Workman moved and Steinman seconded to deny the request. On call Workman, Steinman, Hudkins and Heier voted aye. Motion carried.

- d. Microcomputer Request C#99035 from the County Attorney for HP4000 TN Laser Printer, \$1,694.09 from the Microcomputer Fund

MOTION: Steinman moved and Workman seconded approval. On call Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

- e. Acceptance of Federal Law Enforcement Block Grant for County Sheriff's Office in the Amount of \$1,059.96

MOTION: Steinman moved and Heier seconded approval. On call Heier, Workman, Steinman and Hudkins voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

- a. Ecological Advisory Committee Strategic Plan

Eagan reported that a draft of the Ecological Advisory Committee's Strategic Plan, which includes the Mission Statement, Guiding Principles, Vision Statement and Priorities for 1999 had been received for comment (Commissioners' Information Packet).

- b. Meeting with State Senators and the Douglas and Sarpy County Boards

Eagan reported that the Douglas County Board has noted a conflict for the last week of February and has suggested meeting with the State Senators the first week of March instead.

Board members indicated a preference for Monday, March 1st, with March 2nd and 3rd listed as alternative dates, and requested that Gordon Kissel, Legislative Consultant, coordinate the date with the Senators.

- c. Emergency Management Director

Eagan reported that 43 individuals have applied for the position of Emergency Management Director, with a slate of 12 applications selected for the Board's review. Board members were requested to review the applications and report their recommendation of three to five applicants for the interview process to Eagan by Tuesday, February 23rd.

12 DISCUSSION OF BOARD MEMBER MEETINGS

- a. Board of Health - Hudkins

No report was given.

- b. Government Access & Information Committee - Steinman

Steinman reported discussion focused on the following:

- * Application of a grant to create video streaming of County Board meetings on the Internet
- * Placement of Register of Deeds' images on the Internet
- * Information Services Policy Committee (ISPC) structure
- * Legislative concerns

18 EMERGENCY ITEMS AND OTHER BUSINESS

Eagan reported that he was filmed by the Citizen Information Center with regards to the Rural Address Committee's efforts to establish a uniform addressing system for Lancaster County. This report will air on Cablevision Channel 5.

ADDITIONS TO THE AGENDA

- a. Mobile Home Situation on N 14th Street

Workman reported on a situation on N 14th Street in which several mobile homes and vehicles have been moved onto a property. He noted that the Building & Safety Department is looking into the situation.

- b. Mobile Home Situation on 1st Street and McKelvie Road

Hudkins reported there is a similar situation involving three mobile homes on 1st Street and McKelvie Road.

19 ADJOURNMENT

MOTION: Steinman moved and Heier seconded to adjourn the meeting. On call Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk